

**09/856597**

#3

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Patent Application of

Christian Sarbach, et al.

Serial No. 09/856,597

Filed: May 23, 2001

"FLUORESCENCE IMAGE ACQUISITION  
APPARATUS AND IMAGING SYSTEM  
COMPRISING SUCH AN APPARATUS"

Express Mail mailing label: EL671261990US

I, P. Brandenburg, hereby certify that this paper or fee is being  
deposited with the United States Postal Service "Express Mail  
Post Office to Addressee" service under 37 CFR 1.10 on the  
date of my signature and is addressed to the Assistant  
Commissioner for Patents, Box PCT, Washington, D.C. 20231.

*P. Brandenburg*  
\_\_\_\_\_  
Signature

*July 23, 2001*  
\_\_\_\_\_  
Date of Signature

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER**  
**35 U.S.C. 371 IN THE UNITED STATES**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in response to the Notification of Missing Requirements under 35 U.S.C. 371 which was mailed 28 June 2001 and a copy of which is attached. Enclosed is the Declaration and Power of Attorney and a check for \$65.00 in payment of the surcharge.

Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the required fee. A duplicate of this sheet is enclosed.

07/26/2001 **MMUYEN** 00000014 09856597

01 FC:254

65.00 OP

Respectfully submitted,

*Raye Lynn Shaffer*

Raye L. Shaffer

Reg. No. 47,933

Docket No.: 72211-9014  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108  
(414) 271-6560



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/856597	SARBACH Michael, Best & Friedrich, LLP RECEIVED JUL 2 2001 DOCKETING MILWAUKEE, WI	C 72211-9014 JS
INTERNATIONAL APPLICATION NO.		
PCT/FR99/02847		
I.A. FILING DATE	PRIORITY DATE	
19 NOV 99	24 NOV 98	
DATE MAILED: 28 JUN 2001		

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- |  |  |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input checked="" type="checkbox"/> Indication of Small Entity Status.                         |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).  | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:  |
| <input checked="" type="checkbox"/> Priority Document.   |  |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.     |  |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. |  |
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- |   |   |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☒ PCT/DO/EO/920

**DOCKETED**

Winston M Alvarado

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-6421

Date 7/9/01

also on RLS's docket